

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David B. Wallace

Serial No: 09/167,379. Examiner: Hartman Jr., R.

Filed: 10/06/1998 Group Art Unit: 2786

For: BULK INVENTORY NETWORK SYSTEM (BINS)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

AFFIDAVIT OF ANTHONY MANTIONE

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I, ANTHONY MANTIONE, state as follows:

1. All of the events outlined below occurred in the United States of America.
2. I am Vice President of Sales/Marketing for lime sales at Pennsylvania Lime Inc., of Pennsylvania.
3. Pennsylvania Lime Inc., of Pennsylvania is a supplier of dry bulk lime to Pennsylvania Steel Technologies (PST) in Steelton, Pennsylvania. Lime is a necessary ingredient for the production of steel.
4. Prior to April 22, 1996, I was approached by Dave Wallace regarding the implementation of his system for monitoring a dry bulk material quantity at a remote site that included a detector for producing a first output signal corresponding to an existing material quantity; a remote telemetry unit for receiving the first output signal from the detector and producing a second output signal corresponding to the first output signal; and a computer coupled to the remote telemetry unit for receiving the second output signal from the remote telemetry unit. The computer would include software for determining the existing material quantity and a projected usage rate for the existing material quantity based on the second output signal.
5. Prior to Dave's invention, the monitoring of lime levels at silos located at our customers, such as PST, and the selection of appropriate times and quantities for delivery to those customers was time consuming and costly.

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6. In and around October, 1996, I joined J. P. Donmoyer personnel, David Wallace, Frank Costanzo, and Mike Egbert, to make a presentation to John Marx of PST, Joe Hahn of PST, and Robert Siddall at the PST facilities in Steelton, Pennsylvania. The J.P. Donmoyer team outlined their proposal for an experimental installation of Dave Wallace's invention at the PST facilities.
7. I agreed on behalf of Pennsylvania Lime Inc., to take part in the experimental installation of Dave's invention at PST, to the extent that our lime deliveries would be directed by information retrieved and analyzed by Dave's invention.
8. To my knowledge and belief, numerous problems associated with the proper implementation of Dave's invention at PST were identified and had to be overcome by Dave and his team during the two year and five month period between the inception of the experimental installation at PST, and its actual operation in November, 1998.
9. Many of the components and devices associated with the installation of Dave's invention at the PST facility had to be replaced or reprogrammed during the two year and five month period between the inception of the experimental installation at PST, and its actual operation, in and around November, 1998.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, Section 1001, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Date: March 9, 2001

Anthony Mantione

Anthony Mantione

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